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In re Application of
NISHIKAWA, Kazuo, et al.
Application No.: 10/510,210
PCT No.: PCT/IB03/01250
Int. Filing Date: 07 April 2003
Priority Date: 05 April 2002
Attorney Docket No.: 4978-0101PUS1
For: METHOD OF ESTIMATING
ELIMINATION OF MICROORGANISMS
AND APPARATUS FOR ESTIMATING
ELIMINATION OF MICROORGANISMS

DECISION ON
PETITION UNDER
37 CFR 1.43

This is a decision on applicants' "Petition Under 37 CFR 1.43," filed in the United States Patent and Trademark Office (USPTO) on 17 November 2006.

BACKGROUND

On 27 September 2006, the Office mailed Decision On Petition Under 37 CFR 1.47(a), dismissing applicants' petition without prejudice.

On 17 November 2006, applicants filed this petition under 37 CFR 1.43.

DISCUSSION

The oath or declaration for entry into the national stage in the United States must comply with 37 CFR 1.497(a)-(b). The 17 November 2006 submission indicates that Masato AOKI is legally incapacitated. Under 37 CFR 1.43, in the event of legal incapacitation of an inventor, "the legal representative ... of such inventor may make the necessary oath or declaration, and apply for and obtain the patent." The 17 November 2006 declaration identifies Miyuki AOKI as the Legal Representative and provides the legal representative's residence, citizenship and address in addition to the incapacitated inventor's residence, citizenship and address. The 17 November 2006 declaration complies with 37 CFR 1.497(a)-(b).

CONCLUSION

Applicants' request for status under 37 CFR 1.43 is **GRANTED**.

The application has a date of 17 November 2006 under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4). This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



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